

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 225
94TH GENERAL ASSEMBLY

Reported from the Committee on Agriculture, Conservation, Parks and Natural Resources, April 5, 2007, with recommendation that the Senate Committee Substitute do pass.

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TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 21.750, RSMo, and to enact in lieu thereof two new sections relating to hunting heritage protection.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 21.750, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 21.750 and 252.243, to read as
3 follows:

21.750. 1. The general assembly hereby occupies and preempts the entire
2 field of legislation touching in any way firearms, components, ammunition and
3 supplies to the complete exclusion of any order, ordinance or regulation by any
4 political subdivision of this state. Any existing or future orders, ordinances or
5 regulations in this field are hereby and shall be null and void except as provided
6 in subsection 3 of this section.

7 2. No county, city, town, village, municipality, or other political
8 subdivision of this state shall adopt any order, ordinance or regulation concerning
9 in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping,
10 possession, bearing, transportation, licensing, permit, registration, taxation other
11 than sales and compensating use taxes or other controls on firearms, components,
12 ammunition, and supplies except as provided in subsection 3 of this section.

13 3. Nothing contained in this section shall prohibit any ordinance of any
14 political subdivision which conforms exactly with any of the provisions of sections
15 571.010 to 571.070, RSMo, with appropriate penalty provisions, or which
16 regulates the open carrying of firearms readily capable of lethal use or the
17 discharge of firearms within a jurisdiction, **provided such ordinance**
18 **complies with the provisions of section 252.243, RSMo.**

19 4. The lawful design, marketing, manufacture, distribution, or sale of

20 firearms or ammunition to the public is not an abnormally dangerous activity and
21 does not constitute a public or private nuisance.

22 5. No county, city, town, village or any other political subdivision nor the
23 state shall bring suit or have any right to recover against any firearms or
24 ammunition manufacturer, trade association or dealer for damages, abatement
25 or injunctive relief resulting from or relating to the lawful design, manufacture,
26 marketing, distribution, or sale of firearms or ammunition to the public. This
27 subsection shall apply to any suit pending as of October 12, 2003, as well as any
28 suit which may be brought in the future. Provided, however, that nothing in this
29 section shall restrict the rights of individual citizens to recover for injury or death
30 caused by the negligent or defective design or manufacture of firearms or
31 ammunition.

32 6. Nothing in this section shall prevent the state, a county, city, town,
33 village or any other political subdivision from bringing an action against a
34 firearms or ammunition manufacturer or dealer for breach of contract or warranty
35 as to firearms or ammunition purchased by the state or such political subdivision.

252.243. 1. This section shall be known as and may be cited as
2 **the "Hunting Heritage Protection Areas Act". Hunting heritage**
3 **protection areas shall include all portions of land located within an**
4 **area designated as a one hundred-year flood plain by the Federal**
5 **Emergency Management Agency as amended from time to time.**

6 **2. In addition to the provisions of section 99.847, RSMo, no new**
7 **tax increment financing project shall be authorized in any hunting**
8 **heritage protection area after August 28, 2007. This subsection shall**
9 **not apply to tax increment financing projects or districts approved:**

10 **(1) Prior to August 28, 2007, and shall allow the modification,**
11 **amendment, or expansion of such projects including redevelopment**
12 **project costs by not more than forty percent of such project's original**
13 **projected cost and the tax increment finance district by not more than**
14 **five percent of the district as it existed as of August 28, 2007;**

15 **(2) For the purpose of improving existing flood and drainage**
16 **protection, provided no industrial, residential, or commercial**
17 **development shall occur within a hunting heritage protection area,**
18 **either directly or indirectly, as a result of such tax increment financing**
19 **project; or**

20 **(3) For the purpose of constructing or operating a renewable fuel**

21 facility as defined in section 348.430, RSMo, or for the purpose of
22 providing infrastructure necessary solely for the construction or
23 operation of such renewable fuel production facility, provided no
24 residential, commercial, or industrial development not directly
25 associated with the production of renewable fuel shall occur within a
26 hunting heritage protection area, either directly or indirectly, as a
27 result of such tax increment financing project.

28 3. The discharge of firearms for lawful hunting, sporting, target
29 shooting, and all other lawful purposes shall not be prohibited in
30 hunting heritage protection areas, subject to all applicable state and
31 federal laws.

32 4. Notwithstanding the provisions of subsection 1 of this section
33 to the contrary, hunting heritage protection areas shall not include:

34 (1) Any area with a population of not less than fifty thousand
35 persons that has been defined and designated in the 2000 United States
36 Census as an "urbanized area" by the United States Secretary of
37 Commerce;

38 (2) Any land ever owned by an entity regulated by the Federal
39 Energy Regulatory Commission or any land ever used or operated by
40 an entity regulated by the Federal Energy Regulatory Commission;

41 (3) Any land used for the operation of a physical port of
42 commerce to include customs ports, but shall not include other land
43 managed or governed by a port authority if such other land extends
44 beyond the actual physical port;

45 (4) Any land outside of any area designated as the one hundred-
46 year flood plain of either the Missouri River or the Mississippi River
47 as designated by the Federal Emergency Management Agency, as
48 amended from time to time; or

49 (5) Any land contained within the boundary of any home rule
50 city with more than four hundred thousand inhabitants and located in
51 more than one county.

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